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5 **Terry A. Dake - 009656**

6 Attorney for Trustee

7 **IN THE UNITED STATES BANKRUPTCY COURT**

8 **FOR THE DISTRICT OF ARIZONA**

9 In re:) In Chapter 7 Proceedings
)
10 SUSAN MARIA CABRAL;) Case No. 2:09-BK-23136-SSC
)
11 Debtor.)
)
_____)

12 **OBJECTION TO EXEMPTIONS**
13 **AND NOTICE OF BAR DATE**

14 The trustee objects to certain exemptions claimed by the
15 debtor. The trustee's objection is more fully set forth in and is
16 supported by the following Memorandum Of Points And Authorities.

17 DATED November 2, 2009.

18 **TERRY A. DAKE, LTD.**

19
20 By /s/ TD009656
Terry A. Dake
21 11811 North Tatum Boulevard
Suite 3031
22 Phoenix, Arizona 85028-1621
Attorney for Trustee
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. The debtor has claimed a homestead exemption of
3 \$150,000.00 pursuant to CCP §703.140(b)(1). Exhibit A. However, the
4 homestead exemption allowed by that statute is only \$17,425.00. The
5 excess exemption must be disallowed.

6 2. The debtor claims \$9,000.00 of equity in a 2005 Honda Pilot
7 exempt pursuant to CCP §703.140(b)(5). However, that statute allows only
8 \$900.00 plus the unused portion of the homestead exemption. Since the
9 homestead exemption has been fully utilized, there is nothing left to
10 add here. Thus, the maximum exemption is \$900.00.

11 **WHEREFORE**, the trustee prays for the entry of an order denying
12 the foregoing exemptions claimed by the debtor and ordering the debtor
13 to turn over the non-exempt assets.

14 DATED November 2, 2009.

15 **TERRY A. DAKE, LTD.**

16
17 By /s/ TD009656
18 Terry A. Dake
19 11811 North Tatum Boulevard
20 Suite 3031
21 Phoenix, Arizona 85028-1621
22 Attorney for Trustee
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1 **NOTICE OF OBJECTION TO CLAIMED EXEMPTIONS**

2 The trustee has filed the above objection to the exemptions
3 claimed by the debtor.

4 Your rights may be affected. You should read these papers
5 carefully and discuss them with your attorney, if you have one in this
6 bankruptcy case. If you do not have an attorney, you may wish to
7 consult one.

8 If you do not want the court to sustain the trustee's
9 objection to the claimed exemptions and disallow them or if you want the
10 court to consider your views on the trustee's objection, then on or
11 before **November 25, 2009**, you or your attorney must file with the Court
12 a written response requesting a hearing on the trustee's objection.

13 **FILE YOUR OBJECTION AT:**

14 Clerk
15 United States Bankruptcy Court
16 230 N. First Avenue
17 Ste. 101
18 Phoenix, AZ 85003-1706

19 If you mail your response to the Court, you must mail it early
20 enough so the Court will receive it on or before the date stated above.

21 You must also mail a copy to the attorney for the trustee at:

22 Terry A. Dake, Esq.
23 **Terry A. Dake, Ltd.**
24 11811 North Tatum Boulevard
25 Suite 3031
26 Phoenix, Arizona 85023-1621

27 If you or your attorney do not take these steps, the Court may
28 decide that you do not oppose the trustee's objection and may enter an
29 order that sustains the trustee's objection and disallows those
30 exemptions to which the trustee has objected.

COPY mailed November 2, 2009 to:

BILL KING

BILL KING PC

7150 E CAMELBACK RD #444

SCOTTSDALE, AZ 85251

SUSAN MARIA CABRAL

15017 E. MARATHON DR.

FOUNTAIN HILLS, AZ 85268

/s/ TD009656